

March 13, 2006

1. Call to Order/Roll Call/Opening Ceremonies

Chairman Teichert called the Regular Meeting of the Board of Selectmen to order on Monday, March 13, 2006 in the Selectmen's Conference Room - Town Offices at 7:10 p.m. Present at the meeting were Selectmen Lyman, Vispoli, and Chairman Teichert. Selectmen Major and Hess arrived shortly thereafter. Also present was Town Manager Reginald S. Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the Pledge of Allegiance. Elizabeth A. Kochakian served as Recording Secretary. The meeting was duly posted and cablecast live.

2. Communications and Announcements/Liaison Reports

Town Manager Buzz Stapczynski:

- Andover was represented in the St. Patrick's Day parade in Lawrence that was held this Sunday and it went very well.
- A contingent from South Dublin, Ireland, the Mayor Theresa Ridge and her husband and her aide and her spouse, were coming to visit them on Wednesday. The Manager said they will visit his office at 10:30 a.m. and the day will include a tour of the Town Offices, a St. Patrick's Day lunch at the Senior Center, the schools, and the library where they will meet with the Housing Partnership Committee, Andover Youth Services and other Boards. He said they were particularly interested in learning about the Senior Center, youth programs, and elderly housing.
- The Annual Town Election is coming up in two weeks on March 28, 2006. Town Clerk Hanson said the polls would open at 7:00 a.m. until 8:00 p.m. She said that registration for both Town Meeting and the Town election is closed. All precincts will vote in the Collins Field House.
- The Manager said two budget forums are scheduled, one on Tuesday, March 14 in the Memorial Hall Library from 7:00 to 9:00 p.m. and the same forum in this room this Friday from 10:00 a.m. to 12 noon.
- The Manager read the letter they received from Senator Sue Tucker as a result of the Board's letter to their legislators regarding local aid. In her letter, Senator Tucker agreed it was time to end the lottery diversion but unfortunately, said the phase out would not be until FY07. Ms. Tucker indicated that they have the message and are working with the legislature on this.
- They received word from the DEP that they have been awarded a \$3,300 grant for curbside recycling.
- Nominations for the Virginia Cole Community Service Award have to be submitted by the 25th of March and the award will be presented at Town Meeting.
- They have a Letter from Frank Vacirca, Superintendent of the Grater Lawrence Vocational School, announcing his retirement as of the end of June of this year. Selectman Major suggested the Board issue a Proclamation from the Town of Andover when he retires.
- They met with Don Robb last week about the upcoming Andover Days program. Participants in the joint effort include the Andover Housing Authority, the Andover Business Center Association, Andover League of Women Voters, as well as the Town offices.
- Today they received word that Andover's nomination as Tree City USA was accepted and awarded for 2005. The Manager said this is the 7th year Andover has been nominated and received the award.
- Received E-mail from Lisa L. Schwartz alerting businesses in the downtown area that the Barnard Street improvements will be starting to take place in April.

March 13, 2006 (Cont.)

2. Communications and Announcements/Liaison Reports (Cont.)

- An informational meeting will be held in this room on Tuesday at 4:00 p.m. on the improvements. He said that Barnard Street is going to be closed for a certain distance for a month as water and sewer lines will be relocated underneath the buildings and roadway. Improvements will include the construction of a 500,000 square foot building, a new concrete sidewalk constructed along the building, and the chain link fence behind the existing building will be removed opening up a pedestrian link and access in town. In the end, she said it would give them additional retail and office space for their downtown businesses. She said the Preservation Commission and Design Advisory Group have been involved in the Barnard Street design. Ms. Schwartz was thanked for keeping the Board in the loop on this.

Selectman Alex Vispoli:

- Selectman Vispoli agreed with the Manager that the City of Lawrence did a great job yesterday with the St. Patrick's Day Parade. He also took this opportunity to thank Ms. Schwartz for her e-mail on the Barnard Street improvements. He said it was good to know what was happening in the downtown area. Ms. Schwartz said the Design Review Committee would meet next Wednesday at 7:00 p.m. to start the process of putting together a design and review bylaw for next year's April town meeting.

3. Consent Agenda

A. Appointments and Re-Appointments

It was moved by Selectman Vispoli that the Board approve the following appointment by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
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CONSERVATION OVERSEERS

John Waters - Term to expire 2/21/07

The motion was seconded by Selectman Major, voted and approved 5-0.

B. One-Day All-Alcoholic Beverage License

It was moved by Selectman Lyman that the Board approve the request of Margaret Muss on behalf of the St. Augustine Parish, 26 Essex Street, Andover, MA, for a one-day all-alcoholic beverage license for use at St. Rita's Hall, St. Augustine Parish, 43 Essex Street, Andover, on Saturday, March 18, 2006 from 7:00 P.M. to 11:00 P.M. for a St. Patrick's Day Dance.

The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the license.

The motion was seconded by Selectman Vispoli, voted and approved 5-0.

3. Consent Agenda (Cont.)

March 13, 2006 (Cont.)

C. **One-Day All-Alcoholic Beverage License**

It was moved by Selectman Hess that the Board approve the request of Robert Enos, on behalf of St. Robert Bellarmine Parish, 198 Hogget's Pond Road, 36 Bartlet Street, Andover for a one-day all-alcoholic beverage license for use on Saturday, March 18, 2006 from 6:30 p.m. to 11:30 p.m. at the church hall on Hogget's Pond Road for a St. Patrick's Day Dinner Dance.

The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Lyman, voted and approved 5-0.

4. **Citizens Petitions and Presentations**

A. **Mary Carbone**

Mary Carbone told the Board that she has been attending budget hearings because she is a concerned resident and it was her civic duty to be informed. She said that last Wednesday she sat in on a budget hearing and she felt very uncomfortable as a citizen based on innuendos that were directed to her. She did not think it was reasonable for any citizen to have to take a back seat to any employee, department head or otherwise in the community. She stated the budget hearing was for Public Safety and her comments did not include the hearing of the Police budget.

5. **Public Hearing**

A. **Laying Out of Streets**

a. **Warrant Article 26 - Barron Court (formerly Birmingham Circle), Green Meadow Lane, Jordyn Lane, Stirling Street and Whittemore Terrace**

A public hearing was opened to consider the laying out of the streets in Warrant Article #26, Barron Court (formerly Birmingham Circle), Green Meadow Lane, Jordyn Lane, Stirling Street and Whittemore Terrace. Present at the hearing was Planning Director Paul Materazzo and Conservation Commission Director Robert Douglas. Mr. Materazzo said he was before the Selectmen to petition for only one street in Article #26 to be laid out, Jordyn Lane, as outlined in his memo to the Board dated March 7, 2006. Mr. Materazzo said that was also the recommendation from Town Counsel in his memo dated March 13, and that of Jack Petkus, Director of Public Works, in his memo dated March 13. He noted that DPW had also recommended that Green Meadow Lane be laid out. However, Mr. Materazzo said there are outstanding issues on Green Meadow Lane and the Planning Board did not recommend the street be laid out.

After a brief discussion, it was moved by Selectman Major that the Board recommend to lay out Jordan Lane. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Lyman that the Board recommend not to lay out Barron Court, Green Meadow Lane, Stirling Street and Whittemore Terrace in Article 26. The motion was seconded by Selectman Vispoli, voted and approved 5-0.

6. **Old Business**

March 13, 2006 (Cont.)

A. Discussion on Warrant Articles

The Board discussed and voted on the following 2006 Annual Town Meeting warrant articles:

Article #28 - Acceptance of Property - Zero River Park Terrace

The Manager provided the Board with a map showing the exact location of Zero River Park Terrace and reviewed the location with the Board and the intent of the article that was to accept as a gift the property containing approximately 4,500 square feet. Paul Materazzo said it was his recommendation the Town vote to approve the acceptance of the gift. In a discussion, Selectman Vispoli suggested they look at developing criteria for people looking to donate land. Mr. Materazzo said that doing that was one of his goals.

It was moved by Selectman Vispoli that the Board recommend approval of Article 28. The motion was seconded by Selectman Hess, voted and approved 5-0.

Article #29 - Transfer Care, Custody and Control of Open Space Lands (Tax Title Transfer) to Conservation Commission - 10 David Drive and 6 Black Birch Way

Paul Materazzo explained that this parcel was taken for tax title several years ago. It is open space, an area part of the subdivision not properly conveyed to the town. The taxes were never paid and the property was seized by the town and held up in control by the Selectman. He said the Planning Board recommended approval of this article to transfer authority where it should be conveyed, under the care and custody to the Conservation Commission.

It was moved by Selectman Vispoli that the Board vote to recommend approval of Article #29. The motion was seconded by Selectman Lyman, voted and approved 5-0.

Article #30 - Transfer Care, Custody, Control Open Space Lands to Conservation Commission-8 Hearthstone Place, 19 Hearthstone Place and 10 Keystone Way

Paul Materazzo said this is an instance where a cluster subdivision approved by the Planning Board in 1987, during the street acceptance process deeds of the open space was not properly conveyed to the Town. Now there is some question whether the Conservation Commission had control of the property. He said there was no question it should go to them. On February 28, Mr. Materazzo said the Planning Board made a recommendation that these lands be transferred to the care and custody of the Conservation Commission.

Peter Lemay, 7 Keystone Place, passed out to the Board an amendment to Article 29. He said they were in favor of Articles 29 and 30 but as amended. The amendment asks that the lands not be transferred without keeping the Town's right to maintain the grass areas near the public way. Mr. Douglas said there has been a filing on this issue and it is scheduled to be heard before the Conservation Commission on the 21st of March after which a decision will make on this. He said he has not seen the proposed amendments.

6. **Old Business (Cont.)**

March 13, 2006 (Cont.)

B. Discussion on Warrant Articles (Cont.)

Article #30 (Cont.)

Selectman Major encouraged the Conservation Commission and Mr. LeMay to work together and resolve this issue. He asked that all the neighbors be informed of the hearing and that the Board be given copies of the package that was presented to the Conservation Commission.

After all discussion, it was moved by Selectman Lyman that the Board recommend approval of Article 30. The motion was seconded by Selectman Vispoli voted and approved 5-0.

Article #34 - Zoning Bylaw Amendment - Independent Living Residences

Lisa L. Schwartz said they have redrafted the bylaw that was withdrawn from last year's town meeting and think it will work for Andover in Article #34 that will provide for alternative housing for the elderly. Ms. Schwartz gave the Board a handout and then an overview of the 8-page bylaw that she said was pretty comprehensive. She said the Planning Board has had a series of public hearings on the bylaw and that the benefits of this type of housing include: 15% of the units will be affordable; 30% of sites' will be preserved as open space; flexibility to development so it can provide different types of housing; provides ability of a Homeowner's Association; safeguards in the bylaw that the Planning Board came up with including a 50 ft. buffer; calculation for density, the intent is to have the development on the best part of the property. She said the safeguard process is the design process that they would like to work with the developer. Ms. Schwartz said the Planning Board as well as the Conservation Commission has recommended approval of Article #34.

Peggy Keck, 52 Harold Parker Road, told the Board they have been following this and attended most of the Planning Board's meetings. She said they have a fundamental objection to the bylaw change and wrote a letter to the Planning Board opposing the bylaw that she read to the Selectmen. In essence, she said she felt there was no clarify for the reason for this bylaw and it needed more work.

Selectman Vispoli asked Ms. Schwartz if she found other towns that limited these concepts to certain parts of town. Ms. Schwartz said she found that typically communities that build these types of residences, they prefer to be on sewer. She said the bylaw is not intended to allow land that is not developable now to be developed but to provide alternative types of housing for people who choose to live in Andover. When asked, she said she didn't know what the sale price would be for such buildings. Jim Keck, 52 Harold Parker Road, in addition to their concerns about zoning, said he was concerned about the density issue.

Selectman Lyman agreed there is a need for this type of housing and she hated to see Andover losing people because there are not enough choices to downside. Selectman Vispoli said he heard the same thing about the need but wanted to get the zoning right and was not sure there is a way to compromise here. He said he would like to explore if there is a compromise before they go forward because he felt zoning was a tricky thing

6. Old Business (Cont.)

March 13, 2006 (Cont.)

B. Discussion on Warrant Articles (Cont.)

Article #34 (Cont.)

Selectman Vispoli asked if there was time in the next couple of weeks for an opportunity for the folks that raised the opposition tonight to get together on this. Ms. Schwartz said she has sat down with the Keck's. They had recommendations, which they brought back to the Planning Board and they debated and made some concessions. There are just some fundamental opinion differences as to who wants to live there, what the density should be. Selectman Hess thanked the Keck's for coming and sharing their differences with the Board. Paul Materazzo told the Board that he felt it was a well thought out bylaw. Mary Carbone said she was in agreement with fifty-five and older housing but not in agreement of zoning changes. Tom Brady, 5 Pettingell Avenue, wondered how this was going to be enforced. Ms. Schwartz answered that it would be deed restricted at the Registry of Deeds.

It was moved by Selectman Lyman that the Board recommend approval of Article #34. There was no second to the motion.

Selectman Vispoli asked for a clarification on how they got to this point, just the primary points and what are the differences. He said he supported the concept of doing this but felt the Board needed to see the whole picture so that they were all in agreement of the article.

After all discussion, it was the consensus to hold on this article.

Article #35 - Zoning Bylaw Amendment - Definition: Family Dwelling Unit

Building Inspector, Kaija Gilmore, spoke on behalf of this Article. She told the Board that she was disappointed to find out the Planning Board did not understand why this was an important article. She said they had a request to build a family home on the same lot where there was already a single family home. By permit of the Zoning Board, residents are allowed to add rooms to their homes or build "accessory buildings" on their property to create apartments for their elderly relatives who might need their assistance for a 5-year period. After a 5-year period the space may be used for other purposes, possibly renting the space illegally. The purpose of this article is to avoid the use of the new space for other purposes by deleting "or accessory building" from the definition, thus control the spread of illegal apartments.

Paul Materazzo said the Planning Board took no action on this article because it was not clear what Ms. Gilmore wanted to accomplish. He said he did caution the Planning Board that even though they didn't move the article along, at the very least, to promise to revisit the issue and the bylaw to include the language that would provide the proper tools to allow Ms. Gilmore to do her job. He said they would start working on it after this town meeting. Next year they will have an amendment to that bylaw. The Planning Board suggested Ms. Gilmore withdraw her article. Mr. Materazzo said he would inquire at the Planning Board's next meeting if they can revisit the article and see if any changes can be made any sooner.

It was the consensus of the Board to Hold on Article #35 pending a report back by Mr. Materazzo.

6. **Old Business (Cont.)**

March 13, 2006 (Cont.)

B. Discussion on Warrant Articles (Cont.)

Article #36 - Zoning Bylaw Amendment - Definition: Contractor's Yard

Ms. Gilmore said for the past 20 years this bylaw has not defined what is allowed in a Contractor's yard. This zoning bylaw amendment will make it clear what is a "Contractor's Yard" and the uses allowed in that yard. Paul Materazzo said the Planning Board voted to recommend approval of the article.

It was moved by Selectman Vispoli that the Board recommend approval of Article #36. The motion was seconded by Selectman Major voted and approved 5-0.

Article #38 - General Bylaw Amendment - Newsracks, Placement and Maintenance

Abigail O'Hara, 63 Central Street, Vice Chair of the Main Street Committee, appeared before the Board and made a Power Point presentation on Article #38 with the assistance of Lisa Schwartz. She said newsrack bylaw amendment was a very simple concept that is divided into two parts, general regulations that effects everywhere in town and another set of regulations that apply to the center business district and only includes Main Street. The general regulations will have fees to cover the cost of administering this; and, accountability, so they know who owns these boxes. The presentation included photos of examples of the proposed modular units. She said the bylaw would include regulations necessary to implement this, protection, and setbacks for safety reasons. A discussion followed the presentation. Ms. O'Hara said they have a meeting scheduled this Wednesday with the Eagle Tribune at 3:00 p.m. on this bylaw. The Tribune has a concern over the fees and what they are for. She will explain to them that it is for maintenance, the administration of the program, and replacement of damaged boxes.

After all discussion, it was moved by Selectman Lyman that the Board recommend approval of Article #38. The motion was seconded by Selectman Vispoli, voted and approved 5-0.

Article #39 - Newsrack Maintenance Revolving Account - \$25,000

It was moved by Selectman Lyman that the Board recommend approval of Article #39. The motion was seconded by Selectman Major voted and approved 5-0.

Article #48 - Land Transfer & Acquisition - Buxton Court & No. Main Street - \$13,000

It was moved by Selectman Major that the Board recommend approval of Article #48. The motion was seconded by Selectman Vispoli voted and approved 5-0.

Article #49 - Zoning Bylaw Amendment - Portion of Buxton Court from SRA to Mixed Use

It was moved by Selectman Major that the Board recommend approval of Article #49. The motion was seconded by Selectman Vispoli voted and approved 5-0.

7. **New Business**

A. Discussion with I-93/Lowell Junction Interchange Tans Force

March 13, 2006 (Cont.)

Paul Materazzo told the Board that the I-93/Lowell Junction Interchange Task Force was formed on February 14th, and that present these evenings were three of the five members of the committee. He introduced to the Selectman Chris Huntress, an architect involved in land development living at 17 Tewksbury Street, who has been elected Chairman of the Committee. Mr. Huntress first thanked the Selectmen for having them tonight and introduced the other two members, Doug White, a resident of 41 River Street and Terry Szold, former executive planning director for the Town of Burlington, who runs her own planning and consultant business and is an adjunct professor at MIT. He said they are a well-rounded committee and are looking for a few more members.

In his presentation, Mr. Huntress said the Merrimack Valley Planning Commission (MVPC) is working with Vanasse Hangen Brustlin (VHB) for alternative interchange designs to provide access to the undeveloped and underdeveloped Lowell Junction region to properties in Andover, Tewksbury, and Wilmington. He said the Town of Tewksbury has rezoned property on the west side of I-93 for a regional shopping mall the Mills Corporation is developing for build out at approximately 100,000 square feet.

Mr. Huntress said their scope of work, as a five-member committee, is to represent Andover in developing an interchange alternative in the I-93 corridor. He said there are nine alternative designs. They will be coordinating their review with the MVPC and the adjacent towns of Tewksbury and Wilmington. The MVPC at present is preparing an interchange justification report for the end of March 2006. He said the date is approaching and that was one of their major concerns. Also, they have requested some existing traffic data from the MVPC and VHB the consultant for the 9 alternatives. They were told it was coming but they haven't seen it yet. They have also established review criteria for how each of the 9 alternative designs will be reviewed as follows:

- To provide a needed and direct access from Rte. 93 to existing businesses in the Lowell Junction area.
- Improve traffic conditions in neighborhoods and cluster roads adjacent to the Lowell Junction area.
- Support alternatives that maximize the economic development potentials in Lowell Junction area.
- Avoid deterioration of level of service benefits expected in the interchange road project.

Mr. Huntress reviewed in detail the 9 alternate ramp designs and their benefits. Ms. Szold told the Board that this was probably the most consequential public works project of their generation. It will be a very stark example of infrastructure. She said that Tewksbury has conditioned the development approval with no access to existing roads. They would only be impacted by 8 percent on local streets. This will result on 92% of the traffic going on the main roads putting tremendous burden on Andover. She felt they should scrutinize this with outmost care. She did not think they should have to modify their share of the infrastructure to accommodate a development agreement that places all the burdens on Andover and none of the benefits. She said they greatly appreciate Paul Materazzo's and Manager's support in helping them but felt there are some real liabilities for the proposal and an impact that deserves serious scrutiny here.

7. New Business (Cont.)

A. Discussion with I-93/Lowell Junction Interchange Task Force (Cont.)

March 13, 2006 (Cont.)

Mr. Huntress said there is a lot of information to absorb. Personally, he said he thinks they need an interchange desperately. The things he felt they ought to look at was what was the best way for direct and immediate access for those employees in the area and how do they open up the underdeveloped or undeveloped property land for potential use. He said the MVPC needs to provide detailed traffic data so they can best evaluate all these options to the Town of Andover for each of the 9 alternatives to help them best evaluate the anticipated project impacts. Also, he said the Town of Andover needs to formally request that the MVPC extend their March 2006 deadline on the issuance of the interchange justification report to allow for an educated and informed review of this project.

Mr. Huntress said the town of Andover should also consider hiring a traffic-engineering firm to conduct a peer review to insure that the preferred alternative interchange design is in the Town's best interest. He felt it would be possible to do that at a cost of about \$9,000. This was all addressed in a motion for the Board to consider moving this evening.

Selectman Vispoli thanked the committee for the overview they gave. He said he agreed with the need for economic development, need for an interchange and access to commercial areas but they need to do the right job here, as this is probably the most important thing anyone on this Board will see. Paul Materazzo said he has drafted a letter to Gaylord Burke of the MVPC dated March 10 and copied everyone on this issue.

Mr. Huntress said the motion would be letting the folks know that they are moving ahead with this issue, that they are a stakeholder and should be heard. That is all they need to do aside from helping them to get this traffic engineer. The Manager said that Paul Materazzo summarized all of this in his letter sent out to Gaylord Burke. The Board will receive a copy of the letter. He said there is a meeting tomorrow of the three towns and consultants at the MVPC's office and Paul Materazzo and Chris Huntress are going to attend. At that meeting they will be setting up a meeting with their own task force and consultants to go over this report and explain in detail some of the 9 alternatives listed.

David Wahr, 1 Seneca Circle, a representative of Mills, Corporation, gave a brief history on why the study was being conducted. He said discussions on this started in 2003, when plans were presented to Tewksbury and there were some very preliminary discussions with MVPC who was in the midst of the I-93 Corridor Study. Andover was in on it at least on an information basis early in the process. They went to the MVPC because they knew a section of the report addressed the question of AN interchange at this location. Gaylord Burke told them that he would not consider any alternative until the property was rezoned in Tewksbury. A public hearing on the Corridor Study in Methuen was held in December 03 to discuss the interchange. It was decided that both Massachusetts and Federal Highway wanted the question of interchange broken out as a separate study coordinated with the Corridor Study and that it would be funded entirely by state and federal funds and the MVPC; the cost of the study is \$177,000. Former Planning Director Stephen Colyer throughout the whole thing was on the Merrimack Valley Planning Commission and was in on all these meetings. There were five alternatives in the original Corridor Study. Federal and Mass Highway added three more to get to eight and they added the modified loop to bring it to nine.

7. **New Business (Cont.)**

A. **Discussion with I-93/Lowell Junction Interchange Task Force (Cont.)**

He said that study being done is completely independent under the scope of

March 13, 2006 (Cont.)

work that was approved by Massachusetts and Federal Highway. That is where they are today. He said that Andover has to look at it to protect Ballardvale. Selectman Vispoli thanked Mr. Wahr for the history behind the study.

Selectman Hess said he remembered the meeting and wondered if the points raised at that meeting are being addressed. The issues raised were on pedestrian and bike access; conservation issues; how much land in Andover; how much in other towns; what is the increasing development percentage wise in each town; impact of the highway building in each town; benefits for taxes. He asked the Task Force when they get the draft to look to see if some of those questions were addressed.

Jim DeAngelo, Principal Transportation Consultant, for the interchange said that they have been working with the Mills Corporation and the Merrimack Valley Planning Council and they are the designers of the loop concept and modified loop concept. He said there has been a good deal of history behind trying to develop an interchange for this location and a great deal of work has been done by the MVPC and its consultants. He said he agreed with everything said tonight and the comments about concerns for Andover's development and street impact. It was one of the three points that was required in developing any concept. He said this is not going to happen unless three communities agree on an alternative that is viable and the particular issues are addressed. He suggested that all this information is available to review. He suggested perhaps they do a workshop for four hours and go over all of that because they are anxious to make this design a better design.

It was moved by Selectman Vispoli that the Board of Selectmen of the Town of Andover wishes to express its serious concern about the so called "Loop interchange concepts being evaluated by the Merrimack Valley Planning Commission for potential inclusion as 'preferred alternatives' in the I-93 Lowell Junction Interchange Study and any future Interchange Justification Study or Interchange Justification Report. Further the Board of Selectmen hereby requests the following:

- The Merrimack Valley Planning Commission delay completing the studies described above until more acceptable alternatives are developed and prepared to protect the built and natural environment of Andover, its neighborhoods, and business citizens.
- The Merrimack Valley Planning Commission work cooperatively with the Town's newly established Interchange Task Force to help fashion each preferred alternative or alternatives.

A copy of this motion shall be furnished to the Town's State Representatives, State Senator, Congressman, the Merrimack Valley Planning Commission and Merrimack Valley Economic Development Council as well as Tewksbury and Wilmington's Selectmen and Planning Boards.

The motion was seconded by Selectman Lyman. After a discussion, it was voted and approved 5-0.

7. New Business (Cont.)

B. Discussion on Proposed Town Vehicle Policy

Selectman Vispoli said a month ago they talked about cars that were being used by Town employees to keep and utilize. The Board chartered a subcommittee

March 13, 2006 (Cont.)

composed of himself and Selectman Lyman to look at and examine what they saw today. He handed out a report on the status of what they found and the potential goals and reviewed the report with the Selectman. Highlights of the report included the following:

- Current situation: A gas and energy crisis; cost crisis; lack of explicit car policy; 17 Town owned vehicles being used by employees and taken home
- Goals: Policy implemented 7/1/06; reduce number of town owned cars from 17 to 10; reduce budget impact; reduce CIP impact
- Clearer policies
- Issues to be explored
- Reduce liability
- Standard issued Andover car
- Municipal plates on all cars (except Police and Fire Chiefs)
- Town seal on each vehicle

Selectman Lyman said their goal was to develop a policy that was clear and understood by those who are using the vehicles and the need to enforce the policy. The policy will help with the record of personal use, and will want to establish a greater reimbursement, what the impact will be should there be any accidents, or what insurance covers the driver, town. She said they need to address these issues in greater detail than they have. Right now it is a policy that 10% of the value of the car is used for one's W-2. However they are waiting the outcome of a court case as far as how it affects an employee's pension. The Police and Fire Chiefs are exempt from this by Massachusetts's statute.

Selectman Vispoli asked the Board if they were interested in furthering their work. He said they wanted their input whether they are interested in reducing the number of cars and helping establish a fair policy for personal use. They are not looking to cause any severe impact on someone's personal situation. However, he said they do need to look into the Town's interest in both the liability and financial impact.

Selectman Lyman said they asked the Town Accountant to send out a survey to other communities to see what they were doing. The results varied. North Andover just released their policy and they have asked Town Council Urbelis to review it to see if it was appropriate for Andover to use. Selectman Lyman asked if the Selectman wanted them to continue working on this.

It was the consensus of the Board to go forward on this and report back in 30 days. The Manager suggested that the subcommittee perhaps at the next meeting get together with him to see how they can implement what they are talking about here, provide more information, clarify issues, go over the rationale why these employees have cars, and talk about how they feel it will be a public impact.

7. New Business (Cont.)

C. Fire Chief Recruitment and Selection Process

Chairman Teichert recused himself from this discussion.

March 13, 2006 (Cont.)

The Manager told the Board that Fire Chief Charles H. Murnane, Jr. has given him his notice that he is retiring sometime within the next year; his target date is January 2007. However, in talking with him, he said he would retire at a time before that should a replacement be brought on board.

The Manager provided the Selectmen an outline what he would like to see done. He said he would soon be retaining the services of an outside consultant to develop and conduct an "Assessment Center" for the applicants of this position. He outlined the following Recruitment and Selection Timeline:

March	Retain Consultant
April	Post/Advertise the Position
May	Review Applications and Identify Candidates
June	Conduct Assessment Center and Conduct Interviews
July	Select and Appoint New Fire Chief

The Manager said the Assessment Center offers the opportunity for a candidate to go through real life exercises about the kinds of things they would actually see on the job. The timeline is to retain a consultant in March at a cost of \$7-9,000. This is predicated on whether the Board is comfortable going in house only and looking at internal candidates or also externally. He felt it was a big decision for them to make in terms of implications about leadership that they both want for the foreseeable future.

Selectman Lyman said that before they get that far, she felt from the last budget presentation, that they needed to do an assessment of the Fire Department. She said that Chief Murnane put forward serious concerns that would warrant an outside review of this department before they go ahead and look for a Chief. If there are serious deficiencies written in the job description, or appoint the chief officer without an assessment, they would be missing a great opportunity to take a look at what they are doing there. On the other hand, she can't see a greater opportunity then now to see what they have going on.

After a discussion, it was moved by Selectman Major that the Board authorize the Town Manager to investigate an assessment of the Andover Fire and Rescue Department's operations. Selectman Hess seconded the motion.

The Manager said this would push back the recruitment and selection timeline about three months. The motion was voted and approved 4-0.

D. Meeting Dates for April, May and June

The Board agreed on the following meeting dates:

April 10th, April 24th and 25th on the Field House stage prior to the Annual Town Meeting,
May 1st (if needed prior to the Annual Town Meeting), May 8th and May 22nd.
June 5 and 19

7. New Business (Cont.)

D. Meeting Dates for April, May and June, 2006 (Cont.)

It was also agreed to have an organizational meeting on the 29th of March following the swearing in ceremony.

Chairman Teichert had rejoined the meeting for this discussion.

March 13, 2006 (Cont.)

8. Approval of Minutes from Previous Meetings

It was moved by Selectman Hess that the Board approve the minutes of the February 8, 2006 Joint Meeting. Selectman Lyman seconded the motion. With no objections, the minutes were approved as written, 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the February 27, 2006 - Regular Meeting. Selectman Major seconded the motion. With no objections, the minutes were approved as written, 5-0.

9. Adjournment - 10:27 p.m.

It was moved by Selectman Hess that the Board close the regular meeting of the Board. The motion was seconded by Selectman Vispoli, voted and approved 5-0.

Elizabeth A. Kochakian
Recording Secretary